

Congress for an environmental program, as EPA determines after considering any factors indicated by this regulation. The allotment is not an entitlement but rather the objective basis for determining the range for a State's planning target.

Continuation award. Any assistance award after the first award to a State, interstate, or local agency for a continuing environmental program.

Continuing environmental programs. Those pollution control programs which will not be completed within a definable time period.

Eligible Indian Tribe means:

(1) For purposes of the Clean Water Act, any federally recognized Indian Tribe that meets the requirements set forth at 40 CFR 130.6(d); and

(2) For purposes of the Clean Air Act, any federally recognized Indian Tribe that meets the requirements set forth at § 35.220.

Federal Indian reservation means for purposes of the Clean Water Act or the Clean Air Act, all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

Indian Tribe means:

(1) Within the context of the Public Water System Supervision and Underground Water Source Protection grants, any Indian Tribe having a federally recognized governing body carrying out substantial governmental duties and powers over a defined area.

(2) For purposes of the Clean Water Act, any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

(3) For purposes of the Clean Air Act, any Indian Tribe, band, nation, or other organized group or community, including any Alaskan Native Village, which is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Output. An activity or product which the applicant agrees to complete during the budget period.

Planning target. The amount of Federal financial assistance which the Regional Administrator suggests that an applicant consider in developing its application and work program.

Program element. One of the major groupings of outputs of a continuing environmental program (e.g., administration, enforcement, monitoring).

Recurrent expenditures, except for the purposes of section 105 of the Clean Air Act (See § 35.201), means those expenditures associated with the activities of a continuing environmental program. All expenditures, except those for equipment purchases with a unit acquisition cost of \$5,000 or more, are considered recurrent unless justified by the applicant as unique and approved as such by the Regional Administrator in the assistance award.

Reserve. A portion of the State's construction grant allotment which the State proposes to set aside to use for construction or permit program management or water quality management planning activities.

State means within the context of Public Water Systems Supervision and Underground Water Source Protection grants or of financial assistance programs under the Clean Water Act, one of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands or an eligible Indian Tribe.

Work program. The document which identifies how and when the applicant will use program funds to produce specific outputs.

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§ 35.110 Summary of annual process.

(a) EPA considers various factors to allot among the States the funds requested in the President's budget for each financial assistance program, except for those related to construction grants, for which Congress determines the allotments. From its construction grant allotment, the State proposes reserves for State administration and

water quality management planning. The Regional Administrator issues a planning target for each program to each applicant based on the reserves and allotments.

(b) Using the planning target and guidance provided by EPA, each applicant completes a standard EPA application including a proposed work program for each environmental program for which it expects to receive EPA funding. Alternatively, an applicant prepares a consolidated work program to support several individual applications or a single consolidated application. After the applicant submits its application, the Regional Administrator reviews it and, if it meets applicable requirements, approves the application and agrees to make an award when funds are available. The Regional Administrator awards assistance from funds appropriated by Congress for that purpose.

(c) The recipient conducts its activities according to the approved application and assistance award. The Regional Administrator evaluates recipient performance to assure compliance with all conditions of the assistance award.

(d) Except for funds reserved under section 205 (g) and (j) of the Clean Water Act, the Administrator or Regional Administrator may use funds not awarded or committed to an applicant to supplement awards to other applicants for that program or to support a Federal program required in the absence of an acceptable State program.

§ 35.115 State allotments and reserves.

Allotments and reserves provide an objective basis for establishing planning targets and funding levels for work programs. Congress determines the construction grant allotment, from which the State proposes reserves for State administration and water quality management planning. EPA determines the allotments for the other financial assistance programs based on the President's budget request to Congress. The factors and limitations considered for each program are as follows:

(a) *Air pollution control allotment* (Clean Air Act, section 105): Population, the extent of actual or potential air pollution problems, and the finan-

cial need of each agency to be funded with the State's allotment. However, no State shall have made available to it for application an allotment of less than one-half of 1 percent nor more than 10 percent of the annual appropriation for section 105 grants.

(b) *Water pollution control allotment including ground-water protection allotments* (Clean Water Act, section 106): The extent of the State's water pollution problem. In each fiscal year, the Administrator will reserve a percentage of the total available funds for eligible Indian Tribes,

(c) *State administration reserve* (Clean Water Act, section 205(g)): Up to four percent of the State's authorized construction grant allotment as determined by Congress or \$400,000, whichever is greater.

(d) *Water quality management planning reserve* (Clean Water Act, section 205(j)(1)): Not less than \$100,000 nor more than one percent of the State's construction grant allotment as determined by Congress. However, for Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific Islands and the Northern Mariana Islands, a reasonable amount shall be reserved for this purpose. Each fiscal year the Administrator may reserve a percentage of the sums appropriated under section 207 for water quality management planning assistance to eligible Indian Tribes,

(e) *Public Water System Supervision Allotment* (Safe Drinking Water Act, section 1443(a)): The State's population, geographic area, numbers of community and non-community water systems, and other relevant factors. However, no State, except American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or the Trust Territory of the Pacific Islands may be allotted less than one percent of the total, except that for fiscal years beginning after fiscal year 1989, to the extent that fiscal year appropriations exceed the amount of fiscal year 1989 appropriations, States shall share in any excess based upon the grant formula in effect for such fiscal years.

(f) *Ground-water Quality Protection Reserve* (Clean Water Act, section 319(i)): Each fiscal year the Administrator may reserve for eligible Indian Tribes